

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for RK

MAR 05 2012

JULIA C. DUDLEY, CLERK
BY: HMcDonald
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TRAVIS LEON DAVIDSON,
Plaintiff,

Civil Action No. 7:12-cv-00044

v.

MEMORANDUM OPINION

DR. ALI UZMA, et al.,
Defendants.


By: Hon. Jackson L. Kiser
Senior United States District Judge

Plaintiff filed a complaint and an inmate account report in January 2012. The inmate account report disclosed financial data for May 2011 through October 2011. By Order entered February 7, 2012, the court assessed a \$350 filing fee and granted plaintiff fifteen days from the date of the Order to forward to the court a statement of his assets and a report regarding his trust account for the six months prior to January 2011. The court needed this information to determine a payment schedule, pursuant to 28 U.S.C. § 1915. Plaintiff was advised that failure to return the required paperwork would result in dismissal of this action without prejudice.

Plaintiff did not subsequently file any financial paperwork and, thus, did not comply with the conditional filing order despite the dismissal warning. Furthermore, the court cannot determine the appropriate filing fee assessment, pursuant to 28 U.S.C. § 1915(b), because his first inmate account report described the six-month period prior to November 2011, not the six-month period prior to January 2012. Accordingly, this action must be dismissed without prejudice for plaintiff's failure to pay the filing fee or properly document his application to proceed in forma pauperis. Plaintiff may refile his claims in a new and separate action at the time he can pay the \$350 filing fee or file the necessary documents to proceed in forma pauperis.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to plaintiff.

ENTER: This 5th day of March, 2012.


Senior United States District Judge